MC 1509/2007
BEFORE
HON’BLE JUSTICE RANJAN GOGOI
.
This application has been filed seeking vacation/ modification/ alteration of th e interim order dated 13.4.2007 passed by the Court by which the settlement of t he fishery made in favour of the applicant/respondent No.4 has been stayed by th is Court.
The opposite party in the Misc. Case, i.e. the writ petitioner, has contended th at the interim order should be continued inasmuch as the applicant-respondent No .4 is not eligible for the settlement and further that the applicant society was deregistered earlier i.e. in the year 1995. The aforesaid contentions being on the merits of the questions involved in the writ petition the Court does not con sider it appropriate to go into the same at this stage. On the other hand, the a pplicant is holding a settlement which is valid for seven years. The applicant h as also paid the necessary dues including the kist money. The main writ petition has been fixed for hearing on 9th of October 2007.
In such circumstances, the Court is of the view that keeping the fishery in oper ation instead of allowing it remain unexplored will be conducive to public inter est. Between the applicant who has been granted the settlement and the opposite party-writ petitioner who has been not, the applicant would have a better right to run the fishery during the interregnum. It is, therefore, directed that the a pplicant/respondent No.4 be allowed to run the fishery in question until further orders.
Misc. Case is disposed of.